

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-34791 - APPLICANT: CASH EXPRESS - OWNER: ALTA DECATUR, LLC

**** CONDITIONS ****

The Planning Commission (6-1/se vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Title Loan use.
2. Conformance to the conditions of approval for Site Development Plan Review [Z-0080-65(3)] and Variance (V-0020-01), if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to add an Auto Title Loan use within an existing non-conforming Financial Institution, Specified at 459 South Decatur Boulevard. If this application is denied the site will remain as a Financial Institution, Specified.

Issues:

- The existing use is located within a developed shopping center that is compatible and harmonious with surrounding development. The addition of an Auto Title Loan use at this location will not increase the intensity or the non-conformity of the existing Financial Institution, Specified use; therefore staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
12/15/65	The City Council approved a Rezoning (Z-0080-65) from C-1 (Limited Commercial) to C-2 (General Commercial) on this site. The Planning Commission and Staff both recommended approval.
10/24/91	The Board of Zoning Adjustment approved a Special Use Permit (U-0244-91) application to allow an automobile rental agency on property located at 461 South Decatur Boulevard. Staff recommended approval.
05/27/97	The City Council accepted the withdrawal of the request for a Special Use Permit (U-0011-97) application on property located at 421 South Decatur Boulevard for a 40-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign. The Board of Zoning Adjustment and Staff both recommended approval.
09/22/97	The City Council approved a Special Use Permit (U-0072-97) application on property located at 431 South Decatur Boulevard for a Class III Secondhand Jewelry Store. The Planning Commission and Staff both recommended approval.
09/10/98	The Planning Commission approved a Site Development Plan Review [Z-0080-65(1)] for a proposed 4,500 square foot fast-food restaurant (McDonald's) on this site. Staff recommended approval.
06/10/99	The Planning Commission approved a Review of Condition [Z-0080-65(2)] to delete the requirements for a right-turn lane, an access drive and redesign of a parking lot. Staff recommended approval.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/16/01	The City Council approved a Variance (V-0018-01) application to allow a mini-storage building to be set back 71 feet from a residential property line where the Residential Adjacency Standards requires a setback of 99 feet. The Planning Commission recommended approval. Staff recommended denial.
05/16/01	The City Council approved a Variance (V-0020-01) to allow 190 parking spaces where 230 parking spaces are the minimum required. The Planning Commission recommended approval.
05/16/01	The City Council approved a Site Development Plan Review [Z-0080-65(3)] for a 48,116 square foot commercial center which included the Walgreen's Drug Store. The Planning Commission recommended approval. Staff recommended denial.
06/18/03	The City Council approved a Master Sign Plan (MSP-2240) for a 15,070 square foot Walgreen's drug store at 451 South Decatur Boulevard. The Planning Commission recommended approval. Staff recommended denial.
12/15/04	The City Council approved a Required Review (RQR-5372) of an approved Variance (V-0020-01) which allowed 190 parking spaces where 230 parking spaces were the minimum required. The Planning Commission recommended approval.
05/02/07	The City Council approved an appeal (DIR-20734) of the Planning and Development Department interpretation of Title 19.16 regarding the discontinuation of a nonconforming tavern use located at 465 South Decatur Boulevard. The Planning Commission and staff recommended approval.
07/23/09	The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #26/gk).
<i>Related Building Permits/Business Licenses</i>	
09/04/97	A business license (C21-0005) was issued for a Financial Institution, Specified. The license is currently active.
<i>Pre-Application Meeting</i>	
04/29/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit for an Auto Title Loan were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	
<i>Field Check</i>	
06/18/09	A field check was conducted by staff. The site contains an existing deferred deposits business. The site was well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.75

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
North	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
South	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District -175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.060, the following distance separation standards apply:

<i>Distance Separation Requirements</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
• East	200 Feet	50 Feet	N
• South	200 Feet	85 Feet	N

Pursuant to Title 19.10, the following parking standards apply:

In addition to Rule 1416, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	53,516	1:250	215	7	164	12	
TOTAL (including handicap)			222		176		N

ANALYSIS

An Auto Title Loan use is proposed to be added to an existing non-conforming Financial Institution, Specified. An Auto Title Loan use is defined as “a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.” The suite encompassing the use is 360 square feet and contains a customer counter and waiting area, office space, an employee counter and a rest room. The hours of operation are from 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. on Saturdays.

The existing Financial Institution, Specified is non-conforming for the following Minimum Special Use Permit Requirements from Title 19.04.010;

- The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square-feet
- No specified financial institution use may be located closer than 200 feet from any parcel used or zoned for residential use.

No Special Use Permit was required for the original Financial Institution, Specified use at the site as the license for the use was obtained prior to the establishment of the requirement for a Special Use Permit in 2003. As a result, the existing use is considered to be legally non-conforming. In addition, the Minimum Special Use Permit Requirements for an Auto Title Loan use are identical to the requirements for a Financial Institution, Specified use. The Financial Institution, Specified use possesses a floor area of 360 square feet where 1500 square feet is required and is located only 50 feet from residential properties to the east and 80 feet from residential properties to the south where 200 feet is required. Staff notes that because the Minimum Special Use Permit Requirements for the uses are identical, the addition of an Auto Title Loan use will not increase the intensity or non-conformity of the use. Therefore, staff recommends approval.

The commercial subdivision was originally approved in 2001 under Site Development Review [Z-0080-65(3)]. A variance (V-0020-01) was approved by City Council in conjunction with the Site Development Review allowing 190 parking spaces where 230 parking spaces were required, resulting in a parking deviation percentage of 17%. However, since 2001 the pad located on the northeast corner of Alta Drive and Decatur Boulevard has been demolished and only an undeveloped dirt lot remains. The demolished pad was not a part of the original Site Development Review [Z-0080-65(3)], but the parking provided on the demolished pad was included in the parking calculation for the approved Variance (V-0020-01), as it was an existing restaurant at the time. The elimination of this pad has resulted in a loss of 35 parking spaces, leaving only 176 parking spaces where 190 are required. A condition has been added that requires a minimum of 190 parking spaces be provided prior to the issuance of a business license for this use.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is in addition to an existing non-conforming Financial Institution, Specified. The addition of an Auto Title Loan use within this area is compatible with the existing and future land uses as specified by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is currently operated as a Financial Institution, Specified. Similar related uses are common in this area of the City. The addition of this use will not intensify the physical requirements; therefore the subject site is physically suitable to accommodate the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Site access is provided from Decatur Blvd, a 100-foot Primary Arterial, Mayflower Lane, an 80-foot Frontage Street, and Alta Drive, an 80-Foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The site will be subject to permitting, annual inspections and licensing by the City of Las Vegas, and will not compromise the public health, safety, and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use does not meet all applicable conditions of Title 19.04, however, the addition of an Auto Title Loan use to an existing non-conforming Financial Institution; Specified will not increase the intensity or non-conformity of the use.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions..

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 283 by City Clerk

APPROVALS 1

PROTESTS 2